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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Gibney, et al.

Serial No.: 10/772,953

Filed: February 4, 2004

Title: PROTECTIVE COVERING AND
METHOD OF MANUFACTURING

Attorney Docket No.: 10086-03CIP

Group Art Unit: 3635

Examiner: Abdul Manaf

☒ CERTIFICATION OF FACSIMILE TRANSMISSIONI hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office,
Fax No. 703-872-9306, on the date shown below.Norman S. Yi

Norman S. Yi

5/1/06

Date

Commissioner for Patents
Alexandria, VA 22313-1450

May 1, 2006

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. § 1.321(c))**

I, Norman S. Yi, Registration No. 58,268, represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of assignee identified below.
- ☐ a statement under 37 C.F.R. § 3.73(b) is attached.
- ☒ an attorney of record for this invention.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

The assignee is:

Name of assignee DRG, LLCAddress of assignee 4 Merrick Close, Yonkers, NY 10710Title of disclaimant authorized to sign on behalf of assignee Norman S. Yi, Attorney ofRecord

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EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

RECORDAL OF ASSIGNMENT IN PTO

- ☒ The assignment was recorded on February 4, 2004.

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- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate Assignment Document Cover Sheet is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

- ☐ Attached is a Statement Under 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action this case.

DISCLAIMER

Disclaimant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent that may issue on co-pending Application No. 10/606,083.

Disclaimant hereby agrees that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that it and the co-pending application are commonly owned. This agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent that may issue on co-

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pending Application No. 10/606,083, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer.

FEE STATUS

(37 C.F.R. § 1.20(d))

- ☐ Other than a small entity fee \$130.00.
☒ Small entity fee \$65.00

FEE PAYMENT

- ☐ Check No. _____ in the amount of \$ _____ from Downs Rachlin Martin is attached.
- ☒ Please charge Deposit Account No. 04-1588 in the amount of \$65.00.
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 04-1588. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC

By: _____

Norman S. Yi

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BTV.479670.1